

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40201 of 2022

Arising Out of PS. Case No.-10 Year-2022 Thana- KONCH District- Gaya

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Dilkush Kumar @ Akash Kumar, Son of Rajendra Paswan @ Ravinder
Paswan R/O- Sultani Palaki, P.S.- Konch, District- Gaya Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manu Tripurari, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-10-2022 Heard Mr. Manu Tripurari, learned counsel for the
petitioner and Mr. Bharat Bhushan, learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Konch P.S. Case No.10 of 2022 instituted under Section
366(A) and 34 of the Indian Penal Code.

As per the prosecution story, the informant has
alleged that Puja Kumari went to fill up the form of Bihar Police
but failed to return and later it came to notice that the petitioner
herein has abducted her with an intention to marry. When he
went to the petitioner's house, he was abused by the petitioner's
family. Accordingly, the FIR was lodged.

Subsequently, the victim girl was recovered and she
made a statement under Section 164 of the Cr.P.C. in which she



has stated that her family members were not allowing her to study and as such she left on her own and requested the petitioner herein to marry her whereafter they went to Delhi and solemnized the marriage in a temple. She further recorded that she does not want to go to her home and want to live with her husband (the petitioner herein).

Taking into account the statement that has been recorded under Section 164 of the Cr.P.C., as also the fact that he is in custody since 17.05.2022 (as stated in para-1 of the bail application), do not have criminal antecedent, charge-sheet stands submitted, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Konch P.S. Case No.10 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Gaya, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

Before parting, this Court would like to put on record its word of appreciation for Mr. Manu Tripurari, learned counsel appearing on behalf of the petitioner for the proper assistance rendered in the matter.

(Rajiv Roy, J)

Prakash Narayan /-

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